

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE VUE ON SEAMIST, LLC,

Plaintiff,

v.

SCHIRELLE ROBERTSON,

Defendant.

No. 2:25-cv-00996-DAD-CSK (UD) (PS)

ORDER SUA SPONTE REMANDING CASE
TO SACRAMENTO COUNTY SUPERIOR
COURT AND DENYING MOTION TO
PROCEED IN FORMA PAUPERIS AS MOOT

(Doc. No. 2)

This is an unlawful detainer action brought under California state law by plaintiff The Vue on Seamist, LLC. On April 2, 2025, defendant, proceeding *pro se*, removed this case to this federal court from the Sacramento County Superior Court and filed a motion to proceed *in forma pauperis*. (Doc. Nos. 1, 2.)

A district court has “a duty to establish subject matter jurisdiction over the removed action *sua sponte*, whether the parties raised the issue or not.” *United Investors Life Ins. Co. v. Waddell & Reed, Inc.*, 360 F.3d 960, 967 (9th Cir. 2004). The removal statute, 28 U.S.C. § 1441, is strictly construed against removal jurisdiction. *Geographic Expeditions, Inc. v. Estate of Lhotka*, 599 F.3d 1102, 1107 (9th Cir. 2010). It is presumed that a case lies outside the limited jurisdiction of the federal courts, and the burden of establishing the contrary rests upon the party asserting jurisdiction. *Geographic Expeditions*, 599 F.3d at 1106–07. In addition, “the existence

1 of federal jurisdiction depends solely on the plaintiff's claims for relief and not on anticipated
2 defenses to those claims." *ARCO Envtl. Remediation, LLC v. Dep't of Health & Envtl. Quality*,
3 213 F.3d 1108, 1113 (9th Cir. 2000). "The strong presumption against removal jurisdiction"
4 means that "the court resolves all ambiguity in favor of remand to state court." *Hunter v. Philip*
5 *Morris USA*, 582 F.3d 1039, 1042 (9th Cir. 2009). That is, federal jurisdiction over a removed
6 case "must be rejected if there is any doubt as to the right of removal in the first instance."
7 *Geographic Expeditions*, 599 F.3d at 1107. "If at any time prior to judgment it appears that the
8 district court lacks subject matter jurisdiction, the case shall be remanded." 28 U.S.C. § 1447(c);
9 *Gibson v. Chrysler Corp.*, 261 F.3d 927, 932 (9th Cir. 2001). Remand under 28 U.S.C. § 1447(c)
10 "is mandatory, not discretionary." *Bruns v. NCUA*, 122 F.3d 1251, 1257 (9th Cir. 1997); *see also*
11 *California ex. rel. Lockyer v. Dynegy, Inc.*, 375 F.3d 831, 838 (9th Cir. 2004). Where it appears,
12 as it does here, that the district court lacks subject matter jurisdiction over a removed case, "the
13 case shall be remanded." 28 U.S.C. § 1447(c).

14 "The presence or absence of federal question jurisdiction is governed by the 'well-pleaded
15 complaint rule,' which provides that federal jurisdiction exists only when a federal question is
16 presented on the face of the plaintiff's properly pleaded complaint." *California v. United States*,
17 215 F.3d 1005, 1014 (9th Cir. 2000); *see also Dynegy*, 375 F.3d at 838. Under the well-pleaded
18 complaint rule, courts look to what "necessarily appears in the plaintiff's statement of his own
19 claim in the bill or declaration, unaided by anything in anticipation of avoidance of defenses
20 which it is thought the defendant may interpose." *California*, 215 F.3d at 1014. Accordingly, "a
21 case may not be removed on the basis of a federal defense . . . even if the defense is anticipated in
22 the plaintiff's complaint and both parties concede that the federal defense is the only question
23 truly at issue." *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987); *see also Vaden v.*
24 *Discover Bank*, 556 U.S. 49, 70 (2009) ("It does not suffice to show that a federal question lurks
25 somewhere inside the parties' controversy, or that a defense or counterclaim would arise under
26 federal law.").

27 Here, defendant has not shown that removal of this action to this federal court is
28 appropriate. The removal notice does not provide clarity as to the exact allegations appearing in

1 the complaint. (Doc. No. 1 at 1–2.) Defendant’s exhibits attached to her notice of removal are
2 similarly unavailing since they consist only of: (1) what appears to be a March 20, 2025
3 stipulated judgment from the Sacramento County Superior Court resolving the unlawful detainer
4 action brought by plaintiff against defendant; and (2) what appears to be a notice of the filing of
5 plaintiff’s unlawful detainer complaint against defendant on January 27, 2025 in the Sacramento
6 County Superior Court. (Doc. No. 1-1.) Although defendant appears to allege that the state
7 action and the underlying complaint reflect “violations against the civil and constitutional rights”
8 of defendant which gives “independent rise to federal subject-matter jurisdiction,” the complaint
9 is not before the court. (Doc. No. 1 at 1.) Because the court has no basis upon which to
10 determine whether federal question jurisdiction exists “on the face of the plaintiff’s properly
11 pleaded complaint,” defendant has failed to properly invoke this court’s federal question
12 jurisdiction. *California*, 215 F.3d at 1014.

13 Further, even though defendant does not invoke diversity jurisdiction, the court notes that,
14 because the state court complaint is not before the court and the notice of removal does not
15 contain allegations regarding diversity or the amount in controversy, the court cannot determine
16 whether the parties are diverse or whether it is “facially evident from the complaint that more
17 than \$75,000 is in controversy.” *Valdez*, 372 F.3d at 1117. The court thus concludes that
18 defendant has not alleged the minimum amount-in-controversy or diversity of citizenship required
19 to establish diversity jurisdiction either. *See Canela v. Costco Wholesale Corp.*, 971 F.3d 845,
20 850 (9th Cir. 2020).

21 Accordingly, remand of this case to the Sacramento County Superior Court is appropriate
22 and mandatory. 28 U.S.C. § 1447(c); *Geographic Expeditions*, 559 F.3d at 1107; *Bruns*, 122
23 F.3d at 1257.

24 Accordingly,

- 25 1. This action is REMANDED forthwith to the Sacramento County Superior Court,
26 pursuant to 28 U.S.C. § 1447(c), for lack of subject matter jurisdiction;

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4. Defendant's motion to proceed *in forma pauperis* (Doc. No. 2) is denied as having been rendered moot by this order; and

5. The Clerk of the Court is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: **April 3, 2025**

Dale A. Drozd
DALE A. DROZD
UNITED STATES DISTRICT JUDGE